

against insufficiency of mineral salts and an attendant rise in acidity; that it would supply minerals deficient in food because of loss in cooking and in fruits and vegetables grown upon depleted soil; that its use would produce results comparable to those obtained at mineral springs; that its use would prevent or remedy illness caused by mineral deficiency; that it would be effective in the building of bones, teeth, and other hard parts of the body; that by reason of its iron and copper content it would enable the blood to carry oxygen; that by acting as a catalyst it would help digestion; that it would supply the minerals necessary for cell-building purposes; that when taken as directed it would supply the following percentages of daily requirements for persons: "Calcium 15% for those over one year of age, 7.5% for pregnant or lactating women Phosphorus 30% for those over one year of age, 15% for pregnant or lactating women Iron 20% for those over one year of age, 15% for those over six years of age, 10% for pregnant or lactating women"; that it was of nutritional value by reason of its content of lithium, manganese, magnesium, sulfur, chlorine, sodium, potassium, silica, and copper; that it would adequately supplement the diet with respect to certain minerals of which deficiencies often exist; that mineral supplements to the normal diet are essential for perfect health; that the system can make use of minerals without vitamins, but cannot utilize vitamins without minerals; that the ingredients of the article were in a mutually balanced ratio; and that the article had the approval of physicians having a knowledge of biochemistry. The above-mentioned representations and suggestions were untrue in fact and created misleading impressions.

The article was alleged also to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: January 29, 1948. Default decree of condemnation and destruction.

**2483. Misbranding of Burtone. U. S. v. 36 Cartons \* \* \*. (F. D. C. No. 24341. Sample No. 2457-K.)**

**LABEL FILED:** February 9, 1948, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about January 6, 1948, by Drug Profits, Inc., from Ravenswood, W. Va.

**PRODUCT:** 36 cartons, each containing 12 boxes, of *Burtone* at Ironton, Ohio. Examination showed that the product consisted essentially of emodin bearing drugs, phenolphthalein, extract of bile, capsicum, and oil of peppermint.

**LABEL, IN PART:** "Burtone Lower Bowel and General Laxative 30 tablets."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), the following label statements were false and misleading, since the article was a laxative and a laxative is not effective in bringing about lower bowel health; is not effective in the treatment of sickness resulting from constipation; and is not effective for the other diseases, symptoms, and conditions represented and suggested to be a result of constipation: (Display carton) "The Lower Bowel Health Plan Burtone for Constipation Sickness and Headache, stomach gas, indigestion, biliousness, backache, rheumatic pains, etc. caused by the ailment" and (circular in box) "Constipation Sickness This Refers Directly To Headaches—Bilious Spells — Stomach Gases — Indigestions — Heartburns — Backaches — Loss of Energy and a Weak, Tired Body When Such Conditions Are Due to or Symptomatic of Prolonged Constipation. Constipation Sickness: Meaning Headaches, Bilious Spells, Stomach Gases, Indigestions, Heartburns, Backaches, Loss of Energy, A Tired, Achy Body when due to or symptomatic of lower bowel constipation and responsive to the right use of an effective laxative \* \* \* It is here that toxic poisons form and are carried back on gas waves into the small intestinal tract where they become the cause of these defined inorganic ailments that soon cause the distresses mentioned."

Further misbranding, Section 502 (a), the directions for the use of the article and the advice against too frequent use were misleading, in that they were ambiguous since the user was furnished with directions calling for continued administration of the article and was then admonished against taking the article in the following words: "When the need continues after the first dose, three additional doses are permissible, after eight hours' rest period, as follows: two regular and one reduced to one-half the regular; with eight hour rest periods between each of the three doses. Then a rest period of three

days when as much of the directed use as deemed necessary may be repeated  
\* \* \* Not forgetting that too frequent use of this or any laxative may result  
in a dependence on them."

DISPOSITION: March 29, 1948. Default decree of condemnation and destruction.

**2484. Misbranding of Hemcaps. U. S. v. 59 Bottles \* \* \*. (F. D. C. No. 24719. Sample No. 6442-K.)**

**LIBEL FILED:** April 12, 1948, Western District of New York.

**ALLEGED SHIPMENT:** On or about March 17, 1948, by the Marlo Products Co., from Cleveland, Ohio.

**PRODUCT:** 59 50-capsule bottles of *Hemcaps* at Rochester, N. Y., together with 480 leaflets entitled "Hemcaps For Relief of Piles."

**LABEL, IN PART:** "Hemcaps \* \* \* Active Ingredients: Yellow Dock, Horse Chestnut, Witch Hazel and Stone Root."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements on the label of the article, on the display carton, and in the leaflets shipped with the article were false and misleading, since they represented and suggested that the article was effective in relieving and treating hemorrhoids, whereas it was not effective for such purposes.

DISPOSITION: May 12, 1948. Default decree of condemnation and destruction.

**2485. Misbranding of Cravex. U. S. v. 83 Cartons \* \* \*. (F. D. C. No. 24613. Sample No. 18535-K.)**

**LIBEL FILED:** April 23, 1948, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about March 28, August 5, September 26, and November 24, 1947, by the Plant Products Co., Inc., from Burbank, Calif.

**PRODUCT:** 83 cartons of *Cravex* at Dayton, Ohio. Examination showed that the product consisted essentially of calcium and magnesium phosphates and glycerophosphates, caffeine, and milk sugar.

**NATURE OF CHARGE:** Misbranding, Section 502 (a), the following statements in the labeling of the article were false and misleading, since the article was not a treatment for the causes and effects of over-indulgence in liquor: (Carton) "Cravex" and (circular within carton) "It has been shown that alcohol chiefly affects the nervous system, which causes nervous irritability and frequently results in malnutrition. Cravex is a nerve tonic which contains several substances which are helpful in the treatment of both the causes and effects of over-indulgence."

DISPOSITION: June 18, 1948. Default decree of condemnation and destruction.

**2486. Misbranding of Denver Mud. U. S. v. 6 Cases \* \* \*. (F. D. C. Nos. 24744, 24745. Sample Nos. 28497-K, 28498-K.)**

**LIBELS FILED:** April 29, 1948, Western District of Texas.

**ALLEGED SHIPMENT:** On or about April 6, 1948, by Demco, Inc., from Denver, Colo.

**PRODUCT:** 4 cases, each containing 72 4½-ounce jars, and 2 cases, each containing 36 8-ounce jars, of *Denver Mud* at El Paso, Tex., together with an accompanying circular entitled "Medicated Denver Mud." Examination showed that the product consisted essentially of clay, mixed with boric acid, glycerin, resorcinol, and essential oils.

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements on the label of the article and in the circular were false and misleading, since they represented and suggested that the article constituted an adequate treatment for boils, sprains, congestion, inflammation, chest colds, skin irritations, chilblains, frostbite, pulmonary affections, pneumonia, and pimples. The article was not an adequate treatment for such diseases, symptoms, and conditions.

DISPOSITION: July 12, 1948. Default decrees of condemnation and destruction.

**2487. Misbranding of Marvel Bath and Marvel Cream. U. S. v. Aaron N. Sawyer, also known as A. Neil Sawyer, (American Vita Products Co.). Plea of guilty. Fine, \$500. (F. D. C. No. 24258. Sample Nos. 91149-H, 91150-H.)**

**INFORMATION FILED:** June 10, 1948, Southern District of New York, against Aaron N. Sawyer, also known as A. Neil Sawyer, doing business as the American Vita Products Co., New York, N. Y.